

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

**ORDER INSTRUCTING PARTIES RE  
FUTURE SEALING MOTIONS**

**ORDER ON ADMINISTRATIVE  
MOTIONS FOR LEAVE TO FILE  
UNDER SEAL**

Re: Dkt. Nos. 410, 423, 436, 452, 455, 463,  
469, 470, 475

**ORDER INSTRUCTING PARTIES RE FUTURE SEALING MOTIONS**

In the proposed orders on future sealing motions relating to discovery-related filings, the Court requests that the party seeking to seal material include for the Court's consideration proposed language regarding the reason(s) for the Court's ruling (*see, e.g.*, Dkt. 337-2), rather than simply cross-referencing the document(s) filed in support of the sealing request (*see, e.g.*, Dkt. 470-2).

**ORDER ON ADMINISTRATIVE MOTIONS FOR LEAVE TO FILE UNDER  
SEAL**

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 410, 423, 436, 452, 455, 463, 469, 470, 475; *see also* Dkt. 421, 459.

Courts recognize a "general right to inspect and copy public records and documents, including judicial records and documents." *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d

1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

**1. Dkt. 410**

Document Sought to be Sealed	Court’s Ruling on Motion to Seal	Reason(s) for Court’s Ruling
30(b)(6) Joint Letter Brief	GRANTED as to redacted portions at: Pages 1:14-15, 1:16, 1:18, 1:21, 1:24, 1:27, 2:1, 2:8-12, 2:17, 2:19, 2:25, 3:4-5, 4:1-2, 4:8, 4:9, 4:13-14, 4:16, 4:24-27,	The information requested to be sealed contains Google’s confidential and proprietary information, regarding sensitive features of Google’s internal systems and operations, including details related to internal projects, identifiers, cookies, and their proprietary functionalities, as well as internal investigations of features,

	5:1, 5:6-7, 5:15-16	that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit A to 30(b)(6) Joint Letter Brief	<p>GRANTED as to redacted portions at:</p> <p>Pages 1:4, 1:8, 2:7, 3:15, 6:8-10, 6:13, 7:4, 7:7, 7:10, 7:12, 8:8. 15:5, 15:8, 15:10, 16:15, 17:4, 17:6, 21:11, 21:14-15, 22:3, 22:5, 22:7-9, 22:12, 23:3, 23:6, 23:13, 24:5, 25:10, 25:13, 25:15, 26:9-10, 27:10-11, 27:13, 27:15, 31:14, 32:6, 32:13</p>	<p>The information requested to be sealed contains Google's confidential and proprietary information, regarding sensitive features of Google's internal systems and operations, including details related to internal projects, identifiers, cookies, and their proprietary functionalities, as well as internal investigations of features, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber</p>

security threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

**2. Dkt. 423**

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Submission in Response to Dkt. 416 Re: Status of Discovery Disputes	GRANTED as to redacted portions at: PDF pp. 4-8, 13-14, 18, 22	The information requested to be sealed contains Google's confidential and proprietary information, regarding sensitive features of Google's internal systems and operations, including details related to internal projects, identifiers, and cookies, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

**3. Dkt. 436**

<b>Document Sought to be Sealed</b>	<b>Court's Ruling on Motion to Seal</b>	<b>Reason(s) for Court's Ruling</b>
Ex. A to February 22, 2022 Order on the Parties' joint discovery letter brief re Plaintiffs' Rule 30(b)(6) deposition notices	GRANTED as to redacted portions at: 1:4, 1:8, 2:7, 3:15, 6:8-10, 6:13, 7:4, 7:7, 7:10, 7:12, 8:8, 15:5, 15:8, 15:10, 16:15, 17:4, 17:6, 21:11, 21:13-15, 22:3-4, 22:5, 22:7-9, 22:12, 23:3, 23:6, 23:13, 24:5, 25:10, 25:13, 25:15, 26:9-10, 27:10-11, 27:13, 27:15, 31:14, 32:6, 32:13	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including details related to internal projects, identifiers, and cookies, and their proprietary functionalities, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential information reveals Google's internal systems and operations. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.

**4. Dkt. 452**

<b>Document Sought to be Sealed</b>	<b>Court's Ruling on Motion to Seal</b>	<b>Reason(s) for Court's Ruling</b>
Ex. A (GOOG-BROWN 00023909) to Google's Submission Re: P23	GRANTED	The information sought to be sealed contains confidential information about Google's employees working on certain products that Google does not share publicly and maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Specifically, this information provides details related

		to the names, organizational division, manager, and title of Google employees working on certain products. Such information reveals Google's internal strategies and business practices for operating and maintaining many of its services. Public disclosure of the above-listed information would harm Google's competitive standing by revealing confidential information relating to Google's employees working on certain competing products to Google's competitors, allowing them to understand which employees are working on which competing products and recruit or contact those employees, alter their own plans for product development and/or commercialization, time strategic litigation, focus their patent prosecution strategies, or otherwise unfairly compete with Google.
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## 5. Dkt. 455

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Submission In Response To Dkt. 447-1 Re: Plaintiffs' Request For In Camera Submission	GRANTED as to redacted portions at:  2:4, 2:22, 3:4	The information sought to be sealed contains confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations that Google does not share publicly and maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Specifically, this information provides details related to various types of Google's internal data signals and logs and their proprietary functionalities. Such information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services

while complying with legal and privacy obligations. Public disclosure of the above-listed information would harm Google's competitive standing it has earned through years of innovation and careful deliberation, by revealing sensitive aspects of Google's proprietary systems, strategies, and designs to Google's competitors, allowing them to alter their own plans for product development and/or commercialization, time strategic litigation, focus their patent prosecution strategies, or otherwise unfairly compete with Google.

**6. Dkt. 463**

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Submission Re: Google's RFA and Interrogatory Responses	GRANTED as to redacted portions at:  1:21, 1:28, 2:1-10, 2:23, 3:19, 4:3-5, 4:7, 4:11-12	The information requested to be sealed contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations that Google does not share publicly and maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Specifically, this information provides details related to various types of Google's internal project, data signals, and logs and their proprietary functionalities, as well as internal metrics and investigation into financial impact of certain features. Such information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services while complying with legal and privacy obligations. Public disclosure of the identified information risks harm to Google's

		competitive standing by revealing sensitive aspects of Google's proprietary systems, strategies, and designs to Google's competitors, allowing them to alter their own plans for product development and/or commercialization, time strategic litigation, focus their patent prosecution strategies, or otherwise unfairly compete with Google.
Exhibit A	GRANTED as to redacted portions at:  Pages 1, 7, 11-21	The information requested to be sealed contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations that Google does not share publicly and maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Specifically, this information provides details related to various types of Google's internal project, data signals, and logs and their proprietary functionalities, as well as internal metrics and investigation into financial impact of certain features. Such information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services while complying with legal and privacy obligations. Public disclosure of the identified information risks harm to Google's competitive standing by revealing sensitive aspects of Google's proprietary systems, strategies, and designs to Google's competitors, allowing them to alter their own plans for product development and/or commercialization, time strategic litigation, focus their patent prosecution strategies, or otherwise unfairly compete with Google.



## 7. Dkt. 469

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Ex. A to Joint Submission in Response to Dkts. 447 and 449 re: Sealing Portions of March 2, 2022 Order Re Discovery Disputes P25, P26, and P29	GRANTED as to redacted portions at:  Pages 7-8	The information requested to be sealed contains personal and private medical information related to a Google employee, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public.

## 8. Dkt. 470

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Ex. A to March 1, 2022 Order Following February 28, 2022 Discovery Hearing	GRANTED as to redacted portions at:  Pages 3-4, 6-7, 10-13, 16-17, 20-21	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including details related to internal systems and operations that Google does not share publicly, including details related to internal projects, identifiers, cookies, data field, and logs and their proprietary functionalities, internal investigations of features, and personal and private information related to a Google employee, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to

competing products, time strategic litigation, or otherwise unfairly compete with Google.

**9. Dkt. 475**

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Transcript of February 28, 2022 Discovery Hearing	GRANTED as to redacted portions at:  Pages 7:1, 7:11, 8:5-6, 8:12, 10:24, 11:14, 12:2-3, 12:5-7, 12:10, 12:23, 13:5, 18:5-6, 18:22-19:1, 19:3-4, 19:7-8, 20:16-17, 28:17, 30:11, 31:20, 33:22-23, 34:4-5, 34:18, 35:2, 37:17, 37:24, 38:14, 44:24, 45:6, 45:14, 45:24, 46:7, 46:13-17, 46:25, 47:3, 47:21-22, 48:3, 48:6-8, 48:10-12, 48:20, 48:23-24, 49:3, 49:6-7, 49:18, 49:22, 49:25, 50:2-4, 50:6-9, 51:21-22, 52:6, 52:19, 52:21-22, 58:17-19, 58:25, 59:16, 59:21, 60:13, 65:24, 66:25, 79:18	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including details related to internal systems and operations that Google does not share publicly, including details related to internal projects, identifiers, data fields, dashboards, and logs and their proprietary functionalities, and internal investigations of features, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.

**SO ORDERED.**

Dated: March 17, 2022



SUSAN VAN KEULEN  
United States Magistrate Judge